

The Honorable MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

CASSIE CORDELL TRUEBLOOD, next  
friend of A.B., an incapacitated person, et al.,  
Plaintiffs,

v.

THE WASHINGTON STATE  
DEPARTMENT OF SOCIAL AND HEALTH  
SERVICES, et al.,

Defendants.

NO. C14-1178 MJP

ORDER ADOPTING (IN PART)  
THE PARTIES' MEDIATED  
SETTLEMENT AGREEMENT

Having reviewed the Joint Motion to Adopt the Mediated Settlement Agreement, Dkt. # 389, and discussed the proposed agreement with all Parties at the status hearings held on March 21, 2017 and April 18, 2017, the Court partially adopts the Agreement of the parties, and ORDERS that the prior orders of the Court are MODIFIED in the following manner:

1. Outreach: The Parties will jointly generate outreach documents to inform state courts of their statutory obligations to provide orders for competency services within twenty-four hours, as well as to inform the state courts of a summary of the Trueblood litigation and injunction. The Parties will jointly request the opportunity to present to Washington State judicial education programs and other outreach that the Parties jointly deem necessary to ensure third Parties are aware of their obligation to timely provide orders for competency services.
2. Deadline for in-jail evaluations: DSHS shall complete in-jail competency evaluations within the shorter of either a) 14 days from receipt of order or

b) 21 days from signature of order. Both sets of data will continue to be tracked in DSHS' monthly reports.

3. Deadline for in-patient evaluation and restoration services: DSHS shall admit class members for either inpatient competency evaluation or restoration within the shorter of either a) 7 days from receipt of order or b) 14 days from signature of order. Both sets of data will continue to be tracked in DSHS' monthly reports.
4. Receipt of Order: When sent electronically, orders are deemed received as of the time they are electronically transmitted to the Department.
5. Trigger Point for Notice to Plaintiffs' Counsel: If at any point in the future the percentage of orders received within 3 days of signature drops below the table 1 benchmarks for two consecutive months, the Parties shall meet and confer within 30 days to determine if there are factors within Defendants' control that are causing delays in order transmission that can be changed and/or if there are factors beyond the Defendants' direct control that the Parties can collaborate to influence in the direction of faster transmission of orders.

**Table 1. Percentage trigger for orders received within 3 days of signature**

<b>Jail-based evaluation orders</b>	<b>93</b>
<b>Inpatient competency orders</b>	<b>85</b>

6. Data Collection: Defendants will continue to track the data referenced in paragraphs 2, 3, and 5, above, and currently reflected in Appendix A of DSHS' Monthly Reports. Additionally, when DSHS issues its monthly reports, it will simultaneously provide the data from Appendix A in Excel format to Plaintiffs.

The Court ORDERS that from this point forward, calculation of compliance with the Court's Injunction, Dkt. #131, calculation of compliance with the Modified Injunction as to In-jail Evaluations, Dkt. #303, calculation of contempt under the Order of Contempt, Dkt. #289, and any other aspect of the Court's prior rulings that are not consistent with the Agreement text set forth above, are MODIFIED to be in conformance with this Order.

1 DATED this 26th day of \_\_April\_\_, 2017.



Marsha J. Pechman  
United States District Judge

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4 Presented By:

5  
6 ACLU OF WASHINGTON FOUNDATION

7 s/ La Rond Baker

8 La Rond Baker, WSBA No. 43610  
9 Margaret Chen, WSBA No. 46156  
10 900 Fifth Avenue, Suite 630  
11 Seattle, Washington 98164  
(206) 624-2184  
lbaker@aclu-wa.org  
mchen@aclu-wa.org

12 CARNEY GILLESPIE ISITT PLLP

13 s/ Christopher Carney

14 Christopher Carney, WSBA No. 30325  
15 Sean Gillespie, WSBA No. 35365  
16 Kenan Isitt, WSBA No. 35317  
17 315 Fifth Ave South, Suite 860  
18 Seattle, Washington 98104  
(206) 445-0212  
Christopher.Carney@CGILaw.com  
Sean.Gillespie@CGILaw.com  
Kenan.Isitt@CGILaw.com

19  
20 DISABILITY RIGHTS WASHINGTON

21 s/ Emily Cooper

22 David R. Carlson, WSBA No. 35767  
23 Emily Cooper, WSBA No. 34406  
24 315 Fifth Avenue South, Suite 850  
25 Seattle, WA 98104  
(206) 324-1521  
davidc@dr-wa.org  
emilyc@dr-wa.org

26 *Attorneys for Plaintiffs*

ROBERT W. FERGUSON  
Attorney General

s/ Nicholas Williamson

Sarah J. Coats, WSBA No. 20333  
Amber L. Leaders, WSBA No. 44421  
John K. McIlhenny, WSBA No. 32195  
Nicholas A. Williamson, WSBA No. 44470  
Office of the Attorney General  
7141 Cleanwater Drive SW  
P.O. Box 40124  
Olympia, WA 98504-0124  
(360) 586-6565  
Sarahc@atg.wa.gov  
Amberl1@atg.wa.gov  
JohnM5@atg.wa.gov  
NicholasW1@atg.wa.gov

*Attorneys for Defendants*

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